

## VIRGINIA

By act of the General Assembly approved March 16, 1918 (Acts of 1918, page 568), consent of the State was given to the acquisition by the United States by purchase, condemnation, lease or in any other manner whatsoever of any land or right or interest therein in the State required for sites for custom houses, court houses, post offices, arsenals, depots, terminals, cantonments, military or naval camps or bases or stations, aviation fields or stations, radio stations, storage places, target ranges or for any other military or naval purpose whatsoever of the Government. Exclusive jurisdiction was expressly ceded over lands so acquired whether before or after passage of the act, reserving the right to serve civil and criminal process of the State courts.

The foregoing act remained in force until March 28, 1936, when it was repealed by an act of that date (Laws of 1936, Chap. 382) which, appears as Section 19 of the Virginia Code of 1942, Annotated, and provides substantially as follows:

The conditional consent of the State is given to the acquisition by the United States by purchase, lease, condemnation or otherwise of any lands within the State, whether under water or not from any individual, firm, association or body corporate for sites for custom houses, court houses, post offices, arsenals, forts, naval bases, military or naval airports, or air plane landing fields or for any military or naval purposes, or other purposes embraced within the provisions of the Seventeenth Clause, of the Eighth Section of Article One of the Constitution of the United States.

The right is reserved by the State to levy taxes on oil, gasoline and all other motor fuels and lubricants thereon owned by others than the United States and a tax on the sale thereof, on said lands except sales to the United States for use in the exercise of essentially governmental functions.

The right is reserved to serve the criminal and civil process of the State courts and to license and regulate or to prohibit the sale of intoxicating liquors on any such land, and to tax all property, including buildings erected thereon, not belonging to the United States, and to require licenses and impose license taxes upon any business or businesses conducted thereon. The act expressly provides that "for all purposes of taxation and of the jurisdiction of courts of Virginia over persons, transactions, matters and property on said lands the said lands shall be deemed to be a part of the county or city in which they are situated."

The act expressly reserves to the Commonwealth exclusive governmental, judicial, executive and legislative powers and jurisdiction in all civil and criminal matters, except insofar as same may be in conflict with the jurisdiction and powers expressly ceded to the United States.

The provisions of the foregoing act of March 26, 1936, were modified by an act of April 1, 1940 (Virginia Acts, 1940, page 749), which grants the unconditional consent of the Commonwealth to the acquisition by purchase, lease, condemnation or otherwise of lands required as sites for post offices, reserving only the right to serve within such lands the civil and criminal process of the State courts.

VIRGINIA CASES: *Foley v. Shriver*, 81 Va. 568; *Bank of Phoebus v. Byrum*, 110 Va. 708, 67 S. E. 349; *United States v. Penn*, 48 Fed. 699; *Ex parte Tatem*, 23 Fed. Cas. 708, No. 13759; *Cohens v. Virginia*, 6 Wheat. 264, 426; *Norfolk & P. B. L. R. Co. v. Parker*, 152 Va. 484, 147 S. E. 461; *United States v. McIntosh*, 2 Fed. Sup. 244; *United States v. McIntosh*, 57 Fed. (2) 573; *McIntosh v. United States*, 70 Fed. (2) 507; *Ralph Sollett and Sons Construction Co. v. Commonwealth*, 161 Va. 854, 172 S. E. 290; *Nikis v. Commonwealth*, 144 Va. 618, 131 S. E. 236; *Hastings v. Douglass*, 249 Fed. 378; *Buttery v. Robbins*, 177 Va. 368, 14 S. E. (2) 544; 7 Atty. Gen. 628; 13 Atty. Gen. 418; *Ferris v. Wilbur*, 27 Fed. (2) 262; *Western Union v. Chiles*, 214 U. S. 274, 29 S. Ct. 613; *Brook Horner & Co. v. Old Point Comfort Hotel Co.*, 54 Fed. 604. See 39 Atty. Gen. 285, discussing Virginia statute of March 6, 1936.

## WASHINGTON

By Article XXV of the Constitution of Washington, 1889, the consent of the State was given to the exercise by the Congress of the United States of exclusive legislation in all cases whatsoever over such parcels or tracts of land as are now held or reserved by the Government of the United States